

July 14, 2011

FCC Headquarters
Notice of Inquiry Comments
445 12th Street, SW
Washington, DC 20554

Dear Sir/Madam:

The Municipal Association of South Carolina is responding to the Notice of Inquiry released April 7, 2011, (WC Docket No. 11-59) regarding Acceleration of Broadband Deployment Expanding the Reach and Reducing the Cost of Broadband Deployment by Improving Policies Regarding Public Rights of Way and Wireless Facilities Siting. Through these comments, the Association is providing the Commission with basic information concerning general local right-of-way and facility management practices and charges in South Carolina.

The Municipal Association of South Carolina represents South Carolina's 270 incorporated municipalities through advocacy, training and other services. The Association is dedicated to the principle of its founding members: to offer the services, programs and tools that will give municipal officials the knowledge, experience and tools for enabling the most efficient and effective operation of their municipalities in the complex world of municipal government.

The Association encourages the Commission not to interfere with local policies in the areas of general right-of-way and facility management practices. South Carolina municipalities have developed considerable expertise applying their policies to protect and further public safety, economic development and other community interests. By adopting one-size-fits-all rules in these areas, the Commission could disrupt this process at substantial cost to South Carolina taxpayers and to our local economies. We believe that a basic respect for federalism, a fair reading of the Constitution and the Communications Act, and an honest assessment of the Commission's limited expertise on local land use matters all point to the same conclusion: this is no place for federal regulation.

We strongly urge the FCC to refrain from regulating local right-of-way management and facility placement processes. These are highly fact-specific matters, which involve local engineering practices, local environmental and historical conditions, local traffic and economic development patterns, and other significant community concerns and circumstances. These matters are managed by local staffs with considerable expertise. Imposing federal regulations would create unnecessary costs for our community and have the potential to undermine important local policies.

Likewise, FCC regulation of charges for use of the rights-of-way could have significant impacts on the community, and may actually make it infeasible to continue to maintain or provide important public services. If the Commission feels compelled to act in this area at all, it should limit itself to

voluntary programs and educational activities, and to implementing its own recommendations in the National Broadband Plan for working cooperatively with state and local governments.

The Municipal Association of South Carolina urges the Commission to conclude that right-of-way and facility management and charges are not impeding broadband deployment. As indicated above, in municipal policies and procedures are designed to protect important local interests, and have done so for many years. There is no evidence that the policies have impaired any company from providing broadband service here, and there are many reasons to believe that federal regulations would prove costly and disruptive to our community.

Sincerely,

A handwritten signature in black ink, reading "Miriam Hair". The signature is written in a cursive, flowing style.

Miriam Hair
Executive Director

cc: National League of Cities